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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NEVADA, *et al.*

Defendants.

CASE No. 3:24-cv-00026-MMD-CLB

UNITED STATES' CONSENT MOTION
FOR EXTENSION OF TIME FOR
BRIEFING ON MOTIONS TO DISMISS

1. On January 17, 2024, Plaintiff, the United States of America ("United States"), filed a complaint (Doc. 1) in this action to enforce the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 et seq. ("USERRA").

2. The complaint alleges that Defendants, the State of Nevada ("Nevada"), the Office of the Attorney General of the State of Nevada ("Nevada AG") and the Public Employees' Retirement System of the Nevada ("NVPERS") (collectively, "Defendants"), violated 38 U.S.C. § 4318 of USERRA by denying Nevada state employee Charles Lehman, and other similarly-situated employees, proper pension benefits upon their reemployment after military service.

3. On March 19, 2024, Defendants filed Motions to Dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted. Docs. 20 (Defendant NVPERS

1 Motion) and 25 (Defendants' Nevada and Nevada AG Motion).

2 4. Currently, the United States' responses to the pending Motions to Dismiss are due
3 April 2, 2024, and Defendants' replies are due April 9, 2024.

4 5. Counsel for each of the parties have discussed the timing of briefing for the
5 pending Motions to Dismiss.

6 6. The extension of deadlines is requested so that complex issues raised by Motions
7 to Dismiss may be properly and fully addressed.

8 7. All Defendants, through counsel, have consented to the United States' Motion for
9 Extension of Time for briefing on the Motions to Dismiss.

10 8. The United States, with the consent of Defendants, respectfully requests that the
11 Court extend the deadlines for the United States' briefing in response to Defendants' Motions to
12 Dismiss and the Defendants' replies to the United States' responses.

13 9. This is the first motion for an extension of the briefing deadlines with respect to
14 the Motions to Dismiss.

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20 TO COMPLY WITH LR IA 6-2.

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1 10. The United States respectfully requests that the Court order the United States'
2 responses to the Motions to Dismiss be due on April 23, 2024.

3 11. The United States respectfully requests that the Court order the Defendants' reply
4 briefs be due on May 10, 2024.

5 Respectfully submitted this 26th day of March 2024.

6 /s/ Joseph J. Sperber IV
7 JOSEPH J. SPERBER IV
8 Trial Attorney
9 United States Department of Justice
10 Civil Rights Division
11 Employment Litigation Section

12 *Attorney for the United States*

13 **IT IS SO ORDERED:**

14 

15 _____
16 **UNITED STATES DISTRICT JUDGE**

17 **DATED:** March 26, 2024
18 _____

CERTIFICATE OF SERVICE

I certify that on the 26th day of March 2024, I used the Court's electronic filing system to file a true and correct copy of the foregoing, which will send notification of such filing to the following attorneys of record:

For Defendant the Public Employees'
Retirement System of Nevada

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Nevada Attorney General
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For Defendants the State of Nevada and the
Office of the Attorney General of Nevada

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Dated: March 26, 2024, in Washington, D.C.

/s/ Joseph J. Sperber IV
JOSEPH J. SPERBER IV
Attorney for Plaintiff
The United States of America